

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

SEAN BARNES, individually, and on behalf
of all others similarly situated,

No. C 10-03586 LB

Plaintiffs,

**ORDER RE 3/16/2012 DISCOVERY
LETTERS**

v.

EQUINOX GROUP, and DOES 1 through
100, inclusive,

[ECF No. 80]

Defendants.

On March 16, 2012, Plaintiff Sean Barnes and Defendant Equinox Group filed a joint discovery letter in which the parties dispute whether the court should limit communications between Plaintiffs, Plaintiffs' counsel and potential class members. 3/16//2012 Joint Discovery Letter, ECF No. 80 at 1.

It is unclear from the letter whether the parties complied with the court's standing order, which requires an in-person meet-and-confer session prior to the filing of a joint discovery letter. *See* ECF No. 51-1 at 2. Defendant states that JoAnna Brooks (counsel for Defendant) and Scott Cole (counsel for Plaintiffs) met and conferred in person about this issue during their last court appearance on February 23, 2012. Joint Discovery Letter, ECF No. 80 at 3. Plaintiffs dispute that counsel met and conferred. *Id.*

To the extent that Defendant is referring to the discussion that took place before the court on February 23, 2012, this is not sufficient. Rather, the meet-and-confer requirement is designed to encourage the parties to make good faith efforts to come to resolution and, if that is not possible, to

1 structure and streamline their arguments before presenting them to the court in the form of a joint
2 discovery letter. Additionally, the court observes that the parties have not demonstrated their
3 collective understanding of these principles, resulting in the court's earlier order that ordered the
4 parties to meet and confer in person in the courtroom. *See* ECF No. 55 at 3.

5 Given this background, the court **DENIES** without prejudice Defendant's request without
6 prejudice and **ORDERS** the parties to meet and confer in person before resubmitting the issue via a
7 new joint discovery letter if the parties are unable to resolve the dispute.

8 This disposes of ECF No. 80.

9 **IT IS SO ORDERED.**

10 Dated: March 29, 2012



11 LAUREL BEELER
12 United States Magistrate Judge
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